

10 November 2014

## Rise in calls to MPS from practitioners concerned about CQC inspections

The Medical Protection Society (MPS) has received an increase in enquiries from members concerned about patient confidentiality and their professional obligations to co-operate with Care Quality Commission (CQC) inspections. Many practitioners are unaware of the CQC's powers, which include inspection of medical records and obtaining patient and carer contact details without express consent.

### Dr Pallavi Bradshaw, medicolegal adviser at MPS said:

"Members have been calling our advice line to ask if they should allow CQC inspectors access to patient records and other identifying information. Confidentiality is central to the trust patients place in their doctors and it is important that healthcare professionals are able to justify disclosure of personal and sensitive information to third parties.

"Healthcare professionals must co-operate with inspections and should be aware that the CQC can inspect and take copies of medical records to perform their regulatory function without explicit consent from patients. The Health and Social Care Act 2008 provides the statutory basis for this power.

"MPS advises its members that they do not need to obtain specific consent from patients and they can be reassured that inspectors must keep the information confidential, as they have a legal duty to do so.

"The CQC has published guidance on accessing medical and care records, however if anyone has concerns about confidentiality they should consult their Caldicott Guardian.<sup>1</sup> MPS members can also seek advice from MPS by contacting our 24/7 medicolegal advice line."

**For further information or to interview Dr Pallavi Bradshaw please contact Kim Watson, Media Relations Manager at MPS on +44 207 399 1409 or email [kim.watson@mps.org.uk](mailto:kim.watson@mps.org.uk)**

### Notes to editors:

<sup>1</sup> Care Quality Commission, Guidance on accessing medical and care records using powers under the Health and Social Care Act 2008 [http://www.cqc.org.uk/sites/default/files/accessing\\_medical\\_and\\_care\\_records\\_900092.pdf](http://www.cqc.org.uk/sites/default/files/accessing_medical_and_care_records_900092.pdf)

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## About MPS

MPS is the world's leading protection organisation for doctors, dentists and healthcare professionals. We protect and support the professional interests of more than 290,000 members around the world. Our benefits include access to indemnity, expert advice and peace of mind. Highly qualified advisers are on hand to talk through a question or concern at any time.

Our in-house experts assist with the wide range of legal and ethical problems that arise from professional practice. This includes clinical negligence claims, complaints, medical and dental council inquiries, legal and ethical dilemmas, disciplinary procedures, inquests and fatal accident inquiries.

Our philosophy is to support safe practice in medicine and dentistry by helping to avert problems in the first place. We do this by promoting risk management through our workshops, E-learning, clinical risk assessments, publications, conferences, lectures and presentations.

MPS is not an insurance company. All the benefits of membership of MPS are discretionary as set out in the Memorandum and Articles of Association.